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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21554 of 1994

Between:

Madala Chittemma, w/o.Late Venkaiah,

Age:70yrs, R/o.Akkireddygudem, Musunur mandal,

Krishna District.

..... PETITIONER

AND

1. The District Collector,

Krishna District,

Machilipatnam.

2. The Revenue Divisional Officer,

Nuzividu, Krishna District.

3. The Mandal Revenue Officer,

Musunur Mandal,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of writ of mandamus declaring the action of the first respondent in directing the acquisition petitioner's land admeasuring Ac.5-00 in R.S.No.71/2 of Akkireddygudem village under section 6 of Land Acquisition Act, 1894, without considering the objection of the petitioner as illegal, contrary to law and vitiated by violation of principles of natural justice and violation of petitioner's fundamental rights under Article 14,19 and 21 of Constitutiion of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondents : G.P .for Land Acquisition.

The Court made the following :

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO.21554 OF 1994.

ORDER:-

Heard both the learned counsel. In this writ petition, the petitioner challenged the acquisition proceedings initiated by the respondents herein in regard to the land in R.S.No.71/2 admeasuring Ac.5-00 situate in Akkireddygudem village.

Though several contentions are sought to be urged on behalf of the petitioner, the main submission being one that the petitioner is a small farmer and therefore, the acquisition proceedings could not possibly be initiated.

Learned Government Pleader for Land Acquisition, having filed the counter, submits that the notification under Section 4 (1) of the Land Acquisition Act was issued on 3-9-1994 and the enquiry under Section 5-A of the Act was conducted on 30-9-1994. Thereafter, the final publication was issued under Section 6 of the Act on 12-11-1994, and thus it is only after following the procedure, acquisition proceedings were initiated for the purpose of providing house sites for the Scheduled Castes. However, it is stated that the petitioner is not a small farmer and especially when her son is admittedly holding an extent of Ac.20.00 of land.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that the notifications and the steps taken by the respondents are perfectly well and I do not find any irregularity and contrariness to the provisions of the Land Acquisition Act. Further, in view of the fact that the petitioner's son owns an extent of Ac. 20.00 of land, it cannot be said that the petitioner is a small farmer. In the circumstances, I find no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

09—07—2004.

Stv/-

To

1. The District Collector,

Krishna District,

Machilipatnam.

2. The Revenue Divisional Officer,

Nuzividu, Krishna District.

3. The Mandal Revenue Officer,

Musunur Mandal,

Krishna District.

4. Two CCs to the G.P for Land Acquisition, High Court Buildings,

Hyderabad (O.U.T)

5. Two CD copies.

6. One spare copy.